

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

FRANCINE ZYSK,

Plaintiff,

v

Case No. 3:18-cv-10639

Hon. Robert H. Cleland

Mag. Judge Stephanie Dawkins Davis

THERESA M. BRENNAN, in her
individual and official capacities,
MIRIAM CAVANAUGH, in her
individual and official capacities,

Defendants.

James K. Fett (P39461) FETT & FIELDS, P.C. 805 E. Main Pinckney, MI 48169 734-954-0100 734-954-0762-fax jim@fettlaw.com Attorneys for Plaintiff	T. Joseph Seward (P35095) SEWARD HENDERSON, PLLC 210 E 3 rd St Ste 212 Royal Oak MI 48067 248-733-3580 248-733-3633-fax jseward@SewardHenderson.com Attorneys for Defendant Theresa M. Brennan
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Reply to Defendant's Response to Plaintiff's Motion for Discovery

The good cause standard for early discovery is inapplicable because this Court has issued Practice Guidelines which place cases assigned to Judge Cleland within the exception (bolded language) in FRCP 26(d)(1):

[The parties]...may not seek discovery from any source before the parties have conferred as required by Rule 26(b), except ... **when authorized by court order.**

The pertinent Practice Guideline excerpt states:

- i. **Early discovery:** The Court expects the parties to conduct early discovery by agreement although Rule 26(b) does not authorize court sanctioned discovery prior to the initial attorney's conference.

Plaintiff does not seek to impose burdensome discovery on Defendants. She is content to defer the deposition of Defendant until after the Judicial Tenure Proceedings which begin today, October 1. She would, however, like to subpoena documents from third parties, including Livingston County and current and former county employees, which would impose no burden on Defendant.

Accordingly, Plaintiff requests this Court to issue an order allowing her to issue subpoenas to third parties.

Respectfully submitted,

/s/ James K. Fett

By: James K. Fett (P39461)

Fett & Fields, P.C.

805 E. Main St.

Pinckney, MI 48169

734-954-0100

jim@fettlaw.com

Attorneys for Plaintiff

Dated: October 1, 2018

Affidavit of Mailing

I hereby certify that on October 1, 2018, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: **T. Joseph Seward**.

/s/ James K. Fett

James K. Fett (P39461)

Fett & Fields, P.C.

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Pinckney, MI 48169

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